

MEMO ENDORSED

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October 6, 2023

Via ECF

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/10/2023

Re: *Kwasnik v. Oxford Health Insurance, Inc.*
Civil Action No. 1:22-cv-04767-VEC

Dear Judge Caproni:

This office represents defendant Oxford Health Insurance, Inc. (“Oxford”) in the above-referenced matter. Pursuant to Rule 5(B)(ii) of Your Honor’s Individual Practices in Civil Cases, we submit this letter motion to seek the Court’s permission to file under seal Exhibit B to the Declaration of Jane Stalinski, dated October 3, 2023 (the “Stalinski Declaration”), which contains the claim and appeal file kept and maintained by Oxford in the regular course of its business pertaining to Plaintiff Fiana Kwasnik’s (“Plaintiff”) claim for fertility treatment benefits at issue in this case.

The claim and appeal file attached as Exhibit B to the Stalinski Declaration is replete with Plaintiff’s medical records and documents discussing Plaintiff’s medical records. Due to Plaintiff’s counsel’s objection to the public disclosure of Plaintiff’s medical records and personal health information, it is respectfully requested that the Court grant Oxford permission to file under seal Exhibit B to the Stalinski Declaration.

Respectfully submitted,

/s/Michael H. Bernstein
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666 Third Avenue, 20th Floor
New York, New York 10017
Attorneys for Defendant

cc: Plaintiff’s counsel (*via ECF*)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FIANA KWASNIK,

Plaintiff,

Civ. Act. No. 1:22-cv-04767-VEC

**DECLARATION OF JANE
STALINSKI**

-against-

OXFORD HEALTH INSURANCE, INC.,

Defendant.

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Jane Stalinski, pursuant to 28 U.S.C. §1746(2), being duly sworn, deposes and states under penalty of perjury:

1. I am a Senior Legal Services Specialist and an authorized representative of UnitedHealthcare Insurance Company (“United”) and its affiliates, including Oxford Health Insurance, Inc. (“Oxford”). As part of my duties and responsibilities, I manage the team that has access to, and reviews, business records maintained by United in the regular course of business including documents maintained by Oxford in the regular course of its business. In connection with my job duties, I have undertaken a review of Oxford’s files to identify the claim documents relevant to Oxford’s administration of Plaintiff Fiana Kwasnik’s (“Plaintiff”) claim at issue in this action under the employee welfare benefit plan provided through Plaintiff’s employment with Alexander Wang (the “Plan”). This Declaration is based on my personal knowledge and my review of the documents and information maintained in Oxford’s business records.

2. Attached hereto as Exhibit “A” is a true and correct copy of the Group Policy and Certificate of Coverage for the Plan in effect at the time in question, which is kept by Oxford in the regular course of its business.

3. Attached hereto as Exhibit “B” is a true and correct copy of the claim and appeal file for the claim at issue, which is kept by Oxford in the regular course of its business.

Dated: October 3, 2023

I declare under penalty of perjury that the foregoing
is true and correct.

Jane Stalinski
Jane Stalinski

Application GRANTED.

October 10, 2023

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Stalinski Declaration
Exhibit B
OXFORD -000169-003083
FILED UNDER SEAL